

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at Santa Fe, NM

JAN 10 2001

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

ROBERT M. MARCH, Clerk
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5

ANSWER TO COMPLAINT FOR ADJUDICATION OF WATER RIGHTS

COMES NOW MARY ANN MAESTAS (please print your full name)
MARY ANN MAESTAS

and answers the complaint as follows:

<u>Subfile No</u>	<u>Object</u>	<u>Claim No Right</u>
CHGA-02-0027B	<input type="checkbox"/> mm	<input type="checkbox"/>

1. In answer to Complaint: For each subfile listed above, please initial in one of the two boxes to indicate whether you object to the description of water right(s) contained in the State's proposed Consent Order, or whether you make no claim as to the water right(s) described in the State's proposed Consent Order.

If you object to the description of water right(s) and reject the State's proposed Consent Order, or if you make no claim as to the water right(s) set forth in the State's proposed Consent Order for any of the Subfile Numbers listed above, for each such Subfile Number please explain in the appropriate spaces below.

I object to the description of the water right(s) described by Subfile Number(s)

SEE ATTACHED. we cannot because
to Grand of Masitas Jr.

6104

(Attach additional pages if necessary)

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by
SEE ATTACHED -

(Attach additional pages if necessary)

I claim no right for the water right(s) described by Subfile Number(s) _____ because _____

(Attach additional pages if necessary)

2. I understand that by making this claim and filing this document I am not waiving my rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I may have.

Dated: 1/9/01

Mary Ann Maestas
(Signature - MARY ANN MAESTAS)

P.O. Box 5

Gallina, NM 87017

(Address: Print Clearly)

(505) 638-5448

(Phone Number: Print Clearly)

IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you have waived service of process, you must file an answer in the United States District Court for the District of New Mexico within 20 days after being served with the summons and complaint, or if service of the summons has been timely waived on request under rule 4(d), within 60 days after the date when the request for waiver was sent, or within 90 days after that date if the defendant was addressed outside any judicial district of the United States. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the State's proposed Consent Order if you fail to file an answer. The court's address is: 333 Lomas NW, Suite 270, Albuquerque, NM 87102, or P.O. Box 2384, Santa Fe, NM 87504. A copy of the answer filed with the district court must also be sent to the Office of the State Engineer, Legal Services Division, P.O. Box 25102, Santa Fe, NM 87504-5102.

Addendum to Answer for Subfile CHGA-02-0027B

I object to the description of the water rights described by this Subfile because of various reasons, as set forth below.

1. The description denies water rights to area B0.3 ac and B0.5 ac, which we still claim because the area has historically been irrigated as testified to by Gabriel Maestas, Jr. in the affidavit attached.
2. The stock pond is not shown within the irrigated boundary, which is inconsistent with other offers in the adjudication.

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by addressing each item above, respectively, as follows.

1. Gabriel Maestas, Jr. and I accompanied State Engineer personnel and Wilfred Rael, and described on the ground how irrigation occurs on this area of land, tract B0.3 ac. And B0.5, on 10 June 2000, which the state denied. Gabriel Maestas, Jr. also accompanied State Personnel on 17 August 2000 and 2 November 2000 and provided the same information a second and third time.
2. Because of incorrect identification of ownership, this answer is for our first Consent Order. In preparation of this answer, we discovered the inconsistency regarding the ponds.

I would like to set up a time to meet with you. Please bring the field notes of the 1960 field inspection and all relevant aerial photo enlargements to our next meeting. Thanks.

Mary Ann Maestas Gabriel Maestas Jr
1-9-01 1-9-01

Affidavit of Gabriel Maestas Jr.

State of New Mexico)
) ss
County of Rio Arriba)

Being duly sworn I state that;

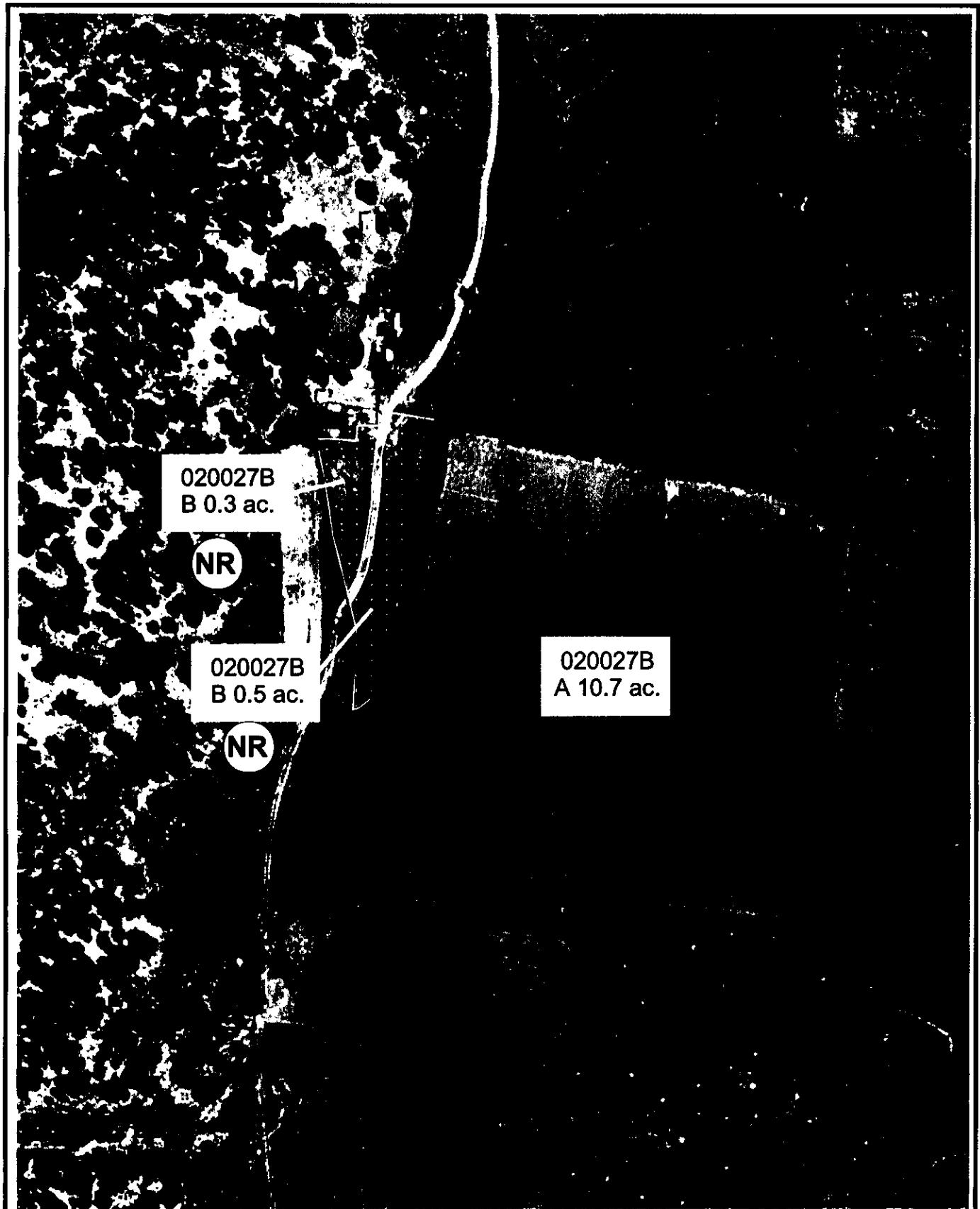
1. Subfile tracts 020027A and 020027B, in the Gallina section of the Rio Chama hydrographic survey in Gallina, New Mexico, belonged to my grandparents.
2. I own Subfile Tract 020027B and I am a part owner of Tract 020027A.
3. Subfile tract 020027A was deeded to my uncle Felix Maestas, now belongs to me and my wife, Maryann, my daughter, Genevieve Velasquez, and son in law, Luis Tobias Velasquez.
4. My Grandparents Gabriel and Ramonsita Maestas irrigated all these lands under 020027A and 27B including those designated as having no rights and the areas that were omitted next to 020027A..
5. My parents Gabriel and Elosia Maestas, and my uncle Felix Maestas also irrigated all these lands under these two tracts including those designated as having no rights and the areas that were omitted next to 020027A.
6. I have lived in Gallina all my life and have personally irrigated these lands including the disputed areas since the early 1940's.
7. At the June 10, 2000, field office held by State Engineer personnel I provided copies of deeds relevant to ownership on these lands and accompanied State personnel to these lands and described on the ground how irrigation occurs on all these areas including those which the State has denied water rights and those that have been omitted.
8. I also accompanied State personnel on August 17, 2000 and November 2, 2000 and provided the same information as mentioned above.

Gabriel Maestas Jr.
Gabriel Maestas Jr.

SUBSCRIBED AND SWORN TO BEFORE ME BY Gabriel Maestas Jr. ON THIS
9th DAY OF JANUARY, 2001.

Arthur W. Paul
Notary Public

My commission expires June 7, 2003



Legend	Scale	STATE OF NEW MEXICO Office of the State Engineer Thomas C. Turney, State Engineer	Subfile Number
<ul style="list-style-type: none">Irrigated Tract BoundaryNo Right Tract BoundaryOperable DitchInoperable DitchStock Pond / ReservoirPoint of DiversionFallow	1 Inch = 200 feet 100 0 100 200 Feet	Rio Chama Hydrographic Survey RIO GALLINA SECTION	CHGA-020027B Cordova/Martinez Ditch AMENDED Dec. 11, 2000